

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 29, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa J. Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CHRISTENSEN Having been appointed to read the minutes of the City Council proceedings of August 22, 2016, reported having done so, found same correct.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING

MAYOR'S VETO MESSAGE ON RESOLUTION A-89947 - APPROVING THE ONE AND SIX YEAR STREET AND HIGHWAY PROGRAM, THE 2016-2018 CITY OF LINCOLN BIENNIAL BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2016-2018 - Deb Andrews, 1235 West A Street, came forward with several statements, and then asked the Council to override the Mayor's Veto and hold the line on taxes.

This matter was taken under advisement.

APPLICATIONS OF HOME GROWN INDUSTRIES OF LINCOLN, LLC DBA MELLOW MUSHROOM, MVPZ AND ME – LINCOLN, LLC DBA BURGERFI, ASTRA VEGA, LLC DBA VEGA, YIN FAMILY, LLC DBA HIRO 88, BREEZY ISLAND, LLC DBA BREEZY ISLAND, THE CLUB AT THE YARD, LLC DBA RULE G, AND THE BAR AT THE YARD, LLC DBA LONGWELL'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA IN THE RAILYARD AT 300/350 CANOPY STREET ON SEPTEMBER 17, 2016 FROM 9:00 A.M. TO MIDNIGHT - Tessa Warner, Railyard Entertainment Sales & Business Manager, 440 North 8th, came forward and stated the Railyard wanted to have an event for the Oregon football game, although, not all of the businesses want to participate in this event. We plan on having a double fence put up for this event and extra staff available for security.

Cyndi Lamm, Council Member, stated you do not need an SDL for added security.

Ms. Warner stated that is correct, we staff according to what event is going on at the time.

Jon Camp, Council Member, asked for clarification on what area's they will be using for this event.

Ms. Warner stated this SDL covers closing Canopy Street, between P and Q.

Mr. Camp stated when this area was established there was discussions of closing Canopy Street for football games and it was decided at that time it would not be allowed.

Ms. Warner stated we wanted to do this in a way that would enhance the area and the customers experiences. We just wanted to have room for customers to be able to spread out and move around and enjoy themselves.

Carl Eskridge, Council Member, inquired if, with the street closed, would the public be able to walk through this area.

Ms. Warner stated all ages will be allowed in this area, the establishments would still be in charge of administering wrist bands to customers of the correct age. This would not stop the pedestrian traffic in and out of this area.

Leirion Gaylor Baird, Council Chair, asked if Tessa would talk about some of the history for this area, what they have been allowed to do and how the events have gone.

Ms. Warner stated the Railyard is a premier space on premier days, the State does not have another place like this. Not all of the business want to participate because of the cost with these events, we are not going to keep them out of the area, we will let them do their regular game day operations.

Trent Fellers, Council Member, inquired how you will know what establishment the drinks have come from and, with everyone not being involved in this event, he has problems with this.

Ms. Warner stated each business will have matching cups and wrist bands with their logo on the cups, which is required by the ordinance. We will be training staff and security on what is allowed and what is not allowed and will be able to track where customers are purchasing their beverages from.

Jane Raybould, Council Member, inquired if this SDL is not approved how will you handle the crowds then.

Ms. Warner stated if we do not get approved for this we do not own the street and will not be the ones to police this area or the street, safety is our main concern and from what has happened in the past this is why we are requesting this SDL.

Ms. Gaylor Baird asked if they have been able to close down Canopy Street in the past, just not on a game day.

Ms. Warner said yes, they have had several events in the past that have gone fine, and five or six of them had alcohol and we did not hear any negative feedback.

Ms. Gaylor Baird asked if everyone participated with these events in the past.

Ms. Warner said yes.

Chadwick Fisher, Hiro 88, 3655 North 129th Street, Omaha, came forward and stated they have had events in the past that went well and everyone was safe. If we are unable to get these events in the Railyard these businesses are going to end up closing. We have already seen a couple of business close. We won't be asking for an SDL for all of the football games, just some of them. We have requested the Oregon game because of the amount of people that will be down in the Railyard that day. Discussion followed.

Jeff Galyen, attorney, 100 North 13th Street, Suite 100, Norfolk , representing Gate 25, came forward and stated they generally support SDL's, but not on game days. One of the reasons for this, is the cost, last year our costs were 165% more than what was estimated, a second larger issue for us is the risk. If you approve this SDL, the landlord has made it clear that it will be our burden to ensure that our cups do not make it past the two doors and into the street. We feel this would be nearly impossible for us to comply with. Discussion followed.

Ms. Gaylor Baird asked Mr. Schafer about police staffing on football Saturdays.

Conan Schafer, Police Investigator, came forward and stated on football days the City increases the number of officers working that day. First priority is City, then UNL, then events. If there were other events that needed police on the same day as a game day and not enough officers to work the events, the events would not be allowed to take place. Discussion followed.

Ms. Warner stated it is hard to get all 14 of the businesses to agree, and they have decided it is just time to start moving forward on some of these events. Mr. Warner mentioned it is about having a safe place on a game day for our customers to come and enjoy themselves, and it is not fair for the businesses that do want these types of events to not be allowed, because of one or two business do not want to participate. Discussion followed.

This matter was taken under advisement.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 70 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON SEPTEMBER 10, 2016 FROM 1:00 P.M. TO 9:00 P.M. - Craig Reier, Zipline Director of Marketing and Events, 2100 Magnum Circle, came forward and stated this SDL is to have a beer garden in their parking lot for a new beer release. Discussion followed.

This matter was taken under advisement.

APPROVING 1ST AVENUE LOUNGE INC. DBA 1ST AVENUE LOUNGE AS A KENO SATELLITE AT 2310 NORTH 1ST STREET, SUITE 7 - 9 - Katrina Coffey, Vice President of Marketing for Big Red Keno and Ron Bryant, 2310 North 1st Street, came forward and requested approval on this keno satellite.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO MAKE IMPROVEMENTS ON A PORTION OF STATE LINK 55W INCLUDING AN AREA THAT IS WITHIN CORPORATE LIMITS OF THE CITY OF LINCOLN. PROJECT NO. S-L55W(1022), CN 13224A - Roger Figard, Public Works & Utilities, came forward and stated this is for the removal, repair and replacement for the State's Warlick Blvd project by Nebraska Department of Roads. This will just be repaired to last until our project comes along. There is no cost for the reconstruction and repair of this project, but the City will be required to maintain and operate when the project is completed.

Trent Fellers, Council Member, inquired how long this road is expected to last and if traffic still be able to get to the businesses in the area.

Mr. Figard stated 25 to 30 years at a minimum, and yes, traffic will still be able to get to the businesses in the areas. Discussion followed.

Leirion Gaylor Baird, Council Chair, asked if the improvements to these areas will be to a lesser degree knowing projects are scheduled later.

Mr. Figard said yes, the intent is to repair what needs to be repaired until the project starts. Discussion followed.

This matter was taken under advisement.

APPROVING A REQUEST TO THE CITY PERFORMANCE AUDIT COMMITTEE, PURSUANT TO CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE, TO CONDUCT DEPARTMENT AUDITS 1) OF THE CITY OF LINCOLN TO COMPARE FEES AND SERVICES PROVIDED TO THE PUBLIC TO SIMILAR CITIES, AND 2) OF THE BUILDING AND SAFETY DEPARTMENT TO EXPLORE WHETHER THERE EXIST OPPORTUNITIES TO RE-CAST THE ROLE OF CODE ENFORCEMENT TO BE MORE SERVICE ORIENTED - Jeff Kirkpatrick, City Attorney, came forward and stated this is from the requirement put through last year for the Council to make a recommendation to the Performance Audit Committee by the end of August. Discussion followed.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN FIREFIGHTERS ASSOCIATION (IAFF) FOR A TERM EFFECTIVE AUGUST 13, 2015 THROUGH AUGUST 31, 2016 - Doug McDaniel, Human Resources, came forward and stated this is for a one year agreement from 2015-2016. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 16025 – APPEAL OF CHARLES CLARK, WILLIAM WOOD, AND MYRNA WOOD FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF A SPECIAL PERMIT FOR A NEW COMMUNITY UNIT PLAN COMPRISED OF 7 SINGLE-FAMILY UNITS, WITH WAIVERS TO SETBACKS, MINIMUM AREA AND WIDTH REQUIREMENTS, AND THE LOT WIDTH-TO-DEPTH RATIO, ON PROPERTY GENERALLY LOCATED AT 828 AND 848 D STREET - William J. Wood, 808 D Street, came forward and stated he lives on the same block as the proposed project and is opposed to this project. Mr. Woods said their main complaint is that all of the traffic will be funneled to a rock filled alley. They are requesting that a vacated alley that used to open on to ninth street be reopened for the extra traffic, or open a driveway. They are also opposed to the seven houses planned for this area and would like to see only five single family households. Since February they have asked for a final design and have not seen one yet. They are not sure if the designs will fit within the history of the neighborhood because this area is in the South Bottoms Historic District. They also do not like the over crowding that is proposed in this project. Discussion followed.

Carl Eskridge, Council Member, inquired about using a different alley or exit that would go to 9th Street or E Street.

Mr. Wood said either an alley or driveway. Previously, there was an alley that connected with the current one that opened on 9th Street. Discussion followed.

Tom Huston, Cline Williams Wright Johnson & Oldfather, 233 South 13th Street, Suite 1900, representing NeighborWorks Lincoln, came forward and stated this request has been before the Historic Preservation Commission on June 16, which received a unanimous recommendation of that Commission. This matter was also heard by the Planning Commission on August 3, again, with an unanimous approval from them. They feel that these recommendations and approvals were given because it is a good project that fully complies with the comprehensive plan of the City, as an infill development that uses existing infrastructure that will not cost the city anything. This project is 30% below the maximum capacity that would be permitted under the R4 zone. In regards to the traffic, the traffic manual tells us that this residential project is going to generate an additional 7 cars per hour, this is roughly 1 car every nine minutes during peak hours. This project is still subject to further review on the vertical design that needs to go before the Historic Preservation, we just have not gotten that far with the designs.

Roy Christensen, Council Member, inquired about the gravel alley and if there were any plans to change that and pave the alley.

Mr. Huston stated we have talked with the neighbors about surfacing the alley and we understood there was a common preference not to pave the alley.

Jane Raybould, Council Member, inquired about not having access off of 9th Street and how that decision came about.

Mr. Huston stated that the City's access management policy really governs when and where development can obtain access to public right of way and curb cuts that we are talking about. Mr. Huston feels the City would not approve opening another access onto the public right of way. Discussion followed.

Leirion Gaylor Baird, Council Chair, inquired if the historic design has compatibility with the neighborhood. We heard that HPC approved this but we also heard that they have not seen what this development looks like. So what did HPC actually approve and what guarantees are you providing on compatibility with this project.

Mr. Huston stated the HPC did not actually approve the final elevation designs at that point because the final exterior design had not yet been completed. This project will need to go back to the HPC because of the location of the block. What the HPC has approved is, the site plan of the block and the initial relationship to the units for the public rights of way. Discussion followed.

Gill Peace, Peace Studio Architects, 1835 Kings Highway, Suite B, came forward to discuss this project in Cooper Commons and show some of the current plans for this area, where we are using the best design principles to redevelop this existing property to create homes for sale in a great neighborhood. We will be putting in a green space, a community garden and front porches.

Ms. Gaylor Baird asked what aspects of these designs are compatible with the historic neighborhood.

Mr. Peace said we were required to present plans to the HPC, and are also required to follow the neighborhood design standards as well as the existing fabric and the existing historic structure. This means that we need to do stuff like certain roof pitches, use gabled roof forms and porches like the surrounding historic existing buildings. We are not trying to mimic the details of the historic buildings because the economy just isn't there for us to do that. Discussion followed.

Jon Camp, Council Member, stated that he has a concern about the gravel alley verses paving. It seems like it would be a benefit to everybody.

Mr. Peace stated from the design side we don't really have a position on the alley being paved. At the neighborhood meetings they were asked this question and they stated they would not want the alley paved, so we plan to honor their wishes and not pave the alley.

Mr. Camp asked if this might be because they might be asked to share the cost of the alley paving.

Mr. Peace said he would need to check his notes, and that it might be partly the cost but the neighborhood was opposed to this being done.

Tim Frances, 2511 T Street, came forward and stated he has had a 30 year history with NeighborWorks as a volunteer, board member and a realtor and has been following the progress of the projects they have done and is in favor of this project. Mr. Frances also stated that he serves on the Preservation Commission. Discussion followed.

Greg Baker, 1039 South 11th Street, came forward and stated he live two blocks from this area, went to the meeting for this project and approves this project.

Scott Broxterman, 1000 South 8th Street, came forward and stated he lives on the same block as this development and likes NeighborWorks, they do great work. Mr. Broxterman is in opposition to a portion of what NeighborWorks is planning on this project. He feels they should have less houses with this project and mimic what is already existing in the neighborhood. Discussion followed.

Jeff Shaw, 2311 Q Street, came forward and stated he currently lives in a NeighborWorks house and said it is a great place to live and is in favor of this project.

Mike Dennis, 1845 South 48th Street, came forward and stated he has a lifetime of experience as a real estate broker and is in support of 5 homes on the 5 lots for this project but not the 7 homes proposed. Discussion followed.

Mr. Wood came forward in rebuttal and stated he wanted to clarify a little on the alley, the two reasons they do not want to pave the alley is cost and they do not want to do anything to encourage more traffic. They also feel that the HPC did not follow their policies when they approved this project and they did not notify the agencies they are required to. We are not against NeighborWorks on this project we would just like for them to adjust their plan and would like to see more of the designs of the buildings. Discussion followed.

Ms. Gaylor Baird asked David Cary of Planning why they were in favor of this project; how long this property has been vacant; if the HPC followed their notification process; and access to 9th Street.

David Cary, Planning Director, came forward and stated the HPC did follow their notification process as required for these types of cases. As far as access to 9th Street, Public Works would have the say on that but to follow the access management code we would not want to open up a 9th Street access. The property has been vacant for quite a while. The design and density of how this plan is laid out, it does provide a lot of the best practices for planning that we look for. Under the R4 zoning, it could have 10 units instead of the 7 units that have been proposed. Discussion followed.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND NATIONAL BUS SALES AND LEASING, INC. FOR CNG TROLLEYS – STARTRAN, PURSUANT TO RFP NO. 16-121, FOR A FIVE YEAR TERM - Mike Davis, StarTran Transit Manager, came forward and stated this is for the purchase of trolleys. We will be using private along with City funds to get the federal funding needed for the purchase of the trolleys. It should take 3 to 4 months for these trolleys to arrive in Lincoln after approval. Discussion followed.

Roy Christensen, Council Member, inquired how they will be used.

Mr. Davis stated the trolleys will be used on the downtown route 55, as a way to advertise this route. Discussion followed.

Mr. Christensen inquired how many we will be getting.

Mr. Davis stated two. Discussion followed.

Cyndi Lamm, Council Member, asked if it was planned for these trolley's to go into the Haymarket.

Mr. Davis said yes, these trolley's will be going down 8th Street. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING DIANNA SCHIMEK, JOSE SOTO, AND THOMAS SULLIVAN TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPT. 1, 2019 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89948 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of DiAnna Schimek, Jose Soto, and Thomas Sullivan to the Community Health Endowment Board, for terms expiring September 1, 2019, are hereby approved.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR'S VETO MESSAGE ON RESOLUTION A-89947 - APPROVING THE ONE AND SIX YEAR STREET AND HIGHWAY PROGRAM, THE 2016-2018 CITY OF LINCOLN BIENNIAL BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2016-2018

CHRISTENSEN Moved to override Mayor's veto.

Seconded by Fellers & **LOST** by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould. Mayor's veto stands. Letter placed on file.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON AUGUST 15, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN ELECTRIC SYSTEM FINANCIAL AND OPERATING STATEMENT FOR JULY 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 12, 2016 AT 3:00 P.M. ON THE APPLICATION OF GRANITE CITY RESTAURANT OPERATIONS DBA GRANITE CITY FOOD & BREWERY FOR RECONSTRUCTION OF THEIR BUILDING AT 6200 O STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89949 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 12, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Granite City Restaurant Operations dba Granite City Food & Brewery for reconstruction of their building at 6200 O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 12, 2016 AT 3:00 P.M. ON THE APPLICATION OF LINCOLN BLUE SUSHI LLC DBA BLUE SUSHI SAKE GRILL FOR AN ADDITION TO THEIR LICENSED PREMISE AT 808 R STREET - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89950 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 12, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Lincoln Blue Sushi LLC dba Blue Sushi Sake Grill for an addition to their licensed premise at 808 R Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 19, 2016 AT 3:00 P.M. ON THE APPLICATION OF ZIPLINE BREWING CO LLC DBA ZIPLINE BREWING CO. FOR AN ADDITION TO THEIR LICENSED PREMISE AT 2100 MAGNUM CIRCLE - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89951 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 19, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Zipline Brewing Co LLC dba Zipline Brewing Co. for an addition to their licensed premise at 2100 Magnum Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 19, 2016 AT 3:00 P.M. ON THE MANAGER APPLICATION OF CHADWICK FISHER FOR YIN FAMILY LLC DBA HIRO88 AT 601 R STREET, SUITE 100 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89952 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 19, 2016, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Manager Application of Chadwick Fisher for Yin Family LLC dba Hiro88 at 601 R Street, Suite 100.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Roy Christensen

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**REGULAR MEETING
AUGUST 29, 2016
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REFERRED TO THE PLANNING DEPARTMENT:

USE PERMIT NO. 70A, REQUESTED BY REGA ENGINEERING GROUP, INC., TO INCREASE THE TOTAL SQUARE FOOTAGE TO 17,300 AND ADD RESIDENTIAL HEALTHCARE AND ELDERLY RETIREMENT HOUSING AS POTENTIAL USES, GENERALLY LOCATED AT KENSINGTON DRIVE AND NORTH 27TH STREETS. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

SPECIAL PERMIT NO. 1020I, REQUESTED BY BRYAN MEDICAL CENTER, TO REVISE THE SITE PLAN TO CHANGE THE USE OF THE FORMER SOPHY TEETERS NURSES RESIDENCE TO A MEMORIAL GARDEN, ON PROPERTY GENERALLY LOCATED AT 2300 SOUTH 16TH STREET. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

SPECIAL PERMIT NO. 16038, REQUESTED BY DEBBIE HILL, TO ALLOW THE REDUCTION OF THE FRONT YARD SETBACK TO 17 FEET FOR CONSTRUCTION OF A NEW DETACHED GARAGE, ON PROPERTY GENERALLY LOCATED AT 1220 NORTH 51ST STREET. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

SPECIAL PERMIT NO. 16039, REQUESTED BY LORI TACKETT, FOR A NEW SPECIAL PERMIT FOR A KENNEL, WITH WAIVER OF THE REAR YARD SETBACK FOR THE OUTDOOR AREA, ON PROPERTY GENERALLY LOCATED AT 2301 HIGHWAY 2. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

USE PERMIT NO. 126E, REQUESTED BY HAUSMANN HOLDINGS, LLC FOR THE REDUCTION OF THE REAR YARD FROM 40 FEET TO 10 FEET AND THE SIDE YARD FROM 15 FEET TO 5 FEET ON LOT 2, ON PROPERTY GENERALLY LOCATED AT EXECUTIVE WOODS DRIVE AND WILDERNESS WOODS PLACE. THE PLANNING COMMISSION ACTION IS FINAL, UNLESS APPEALED TO THE CITY COUNCIL.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16056 TO SPECIAL PERMIT #1566, TRAIL RIDGE STORAGE SHED, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 9, 2016, TO REDUCE THE FRONT YARD FOR ACCESSORY BUILDINGS TO 3' FOR LOTS 10-17 ALONG RUSSWOOD BOULEVARD, GENERALLY LOCATED AT 8240 TRAIL RIDGE ROAD.

ADMINISTRATIVE AMENDMENT NO. 16022 TO SPECIAL PERMIT #04011, BOULDER RIDGE CUP, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 10, 2016, TO REVISE LOT LAYOUT AND STREET ALIGNMENTS, AND TO ELIMINATE TWO PEDESTRIAN SIDEWALK DRAINAGE CROSSINGS IN OUTLOT G, AND TO UPDATE THE DETENTION AREAS TO MATCH THE REVISED GRADING AND DRAINAGE PLAN, GENERALLY LOCATED AT NORTHEAST OF S. 84TH STREET AND PINE LAKE ROAD.

ADMINISTRATIVE AMENDMENT NO. 16055 TO USE PERMIT #57E, TESLA MOTOR CHARGING STATION AT LINCOLN CROSSING, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 10, 2016, TO ALLOW UP TO 10 PARKING STALLS IN BUILDING AREA G TO BE USED FOR ELECTRIC VEHICLE CHARGING STATIONS, GENERALLY LOCATED AT N. 27TH STREET AND NORTH VIEW DRIVE.

WAIVER TO DESIGN STANDARDS NO. 16005, BMW OF LINCOLN, APPROVED BY THE PLANNING DIRECTOR ON AUGUST 18, 2016, TO ALLOW OUTDOOR LIGHTING TO EXCEED 2.0 VERTICAL FOOT-CANDLES ON INTERIOR LOT LINES, GENERALLY LOCATED AT 6741 TELLURIDE DRIVE.

LIQUOR RESOLUTIONS

APPLICATION OF JUNTO, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT LINCOLN HAYMARKET AREA AT CANOPY STREET ON SEPTEMBER 17, 2016 FROM 8:00 A.M. AND 11:59 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89953 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Junto, LLC for a special designated license to cover an outdoor area measuring approximately 10 feet by 10 feet at Lincoln Haymarket at Canopy Street, Lincoln, Nebraska, on September 17, 2016, between the hours of 8:00 a.m. and 11:59 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATIONS OF HOME GROWN INDUSTRIES OF LINCOLN, LLC DBA MELLOW MUSHROOM, MVPZ AND ME – LINCOLN, LLC DBA BURGERFI, ASTRA VEGA, LLC DBA VEGA, YIN FAMILY, LLC DBA HIRO 88, BREEZY ISLAND, LLC DBA BREEZY ISLAND, THE CLUB AT THE YARD, LLC DBA RULE G, AND THE BAR AT THE YARD, LLC DBA LONGWELL’S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA IN THE RAILYARD AT 300/350 CANOPY STREET ON SEPTEMBER 17, 2016 FROM 9:00 A.M. TO MIDNIGHT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89954 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Home Grown Industries of Lincoln, LLC dba Mellow Mushroom, MVPZ AND ME-Lincoln, LLC dba BurgerFi, Astra Vega, LLC dba Vega, Yin Family, LLC dba Hiro 88, Breezy Island, LLC dba Breezy Island, The Club at the Yard, LLC dba Rule G, and The Bar at the Yard, LLC dba Longwell’s for a special designated license to cover an outdoor area in the Railyard at 300/350 Canopy Street, Lincoln, Nebraska, on September 17, 2016, between the hours of 9:00 a.m. and midnight, be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

APPLICATION OF ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 70 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON SEPTEMBER 10, 2016 FROM 1:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89955 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co. for a special designated license to cover an outdoor area measuring approximately 70 feet by 36 feet at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, on September 10, 2016, between the hours of 1:00 p.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1-15, 2016 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89956 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 16, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Autumn Wood Homeowners Assn.	\$2,500.00	Gumaro Martinez	\$ 2,500.00
Ronald Morrison	900.00	Cynthia Timmer	3,000.00
Glenda Masek	1,475.00		

Two Men and a Truck	8,893.09	<u>LITIGATION SETTLEMENTS</u>	
Shannon Cary	67.00	Nicole Ulm	\$32,500.00
Tiffany Alt	600.00	Kejjan Hesso	1,205.76
Viking Insurance Company			
a/s/o Erick Quintero	1,000.00		
Farmers Mutual			
a/s/o Gary & Janet Sohl	2,834.39		
Cheryl Pohlman	1,274.54		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING 1ST AVENUE LOUNGE INC. DBA 1ST AVENUE LOUNGE AS A KENO SATELLITE AT 2310 NORTH 1ST STREET, SUITE 7-9 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89957 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purpose of providing for a joint City-County keno lottery; and
WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and
WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and
WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of 1st Avenue Lounge Inc. dba 1st Avenue Lounge, 2310 North 1st Street, Suite 7-9, Lincoln, NE 68521.

The City Clerk is directed to return an executed copy of this Resolution to 1st Avenue Lounge Inc. dba 1st Avenue Lounge, 2310 North 1st Street, Suite 7-9, Lincoln, NE 68521.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPALITY PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS (NDOR) TO MAKE IMPROVEMENTS ON A PORTION OF STATE LINK 55W INCLUDING AN AREA THAT IS WITHIN CORPORATE LIMITS OF THE CITY OF LINCOLN. PROJECT NO. S-L55W(1022), CN 13224A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89958 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached Municipality Program Agreement between the City of Lincoln and the State of Nebraska Department of Roads to allow the State of Nebraska to make improvements on a portion of State Link 55W including an area that is within corporate limits of the City of Lincoln, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING A REQUEST TO THE CITY PERFORMANCE AUDIT COMMITTEE, PURSUANT TO CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE, TO CONDUCT DEPARTMENT AUDITS 1) OF THE CITY OF LINCOLN TO COMPARE FEES AND SERVICES PROVIDED TO THE PUBLIC TO SIMILAR CITIES, AND 2) OF THE BUILDING AND SAFETY DEPARTMENT TO EXPLORE WHETHER THERE EXIST OPPORTUNITIES TO RE-CAST THE ROLE OF CODE ENFORCEMENT TO BE MORE SERVICE ORIENTED - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89959 WHEREAS, Art IV, § 8 of the Lincoln Charter grants the City Council certain examination and review powers concerning any subject upon which it may legislate or the operations of any department engaged in the administration of City affairs; and
WHEREAS, the City Council believes that there may exist efficiencies to be gained in department audits of the City of Lincoln to compare fees and services provided to the public to similar cities and of the Building and Safety Department to explore whether there exist opportunities to re-cast the role of code enforcement to be more service oriented; and
WHEREAS, pursuant to Lincoln Municipal Code § 4.66.040, the City Performance Audit Committee has certain responsibilities, including, when directed to do so by resolution of the City Council, determining whether an audit as suggested in the Council's resolution is appropriate and desirous, and to determine what the scope of such audit should be.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the City Council hereby directs the City Performance Audit Committee to determine whether department audits of the City of Lincoln to compare fees and services provided to the public to city fees and services present in similar cities and of the Building and Safety Department to explore whether there exist opportunities to re-cast the role of code enforcement to be more service oriented is appropriate and desirous.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN FIREFIGHTERS ASSOCIATION (IAFF) FOR A TERM EFFECTIVE AUGUST 13, 2015 THROUGH AUGUST 31, 2016 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89960 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Firefighters Association (IAFF) to be effective August 13, 2015 through August 31, 2016, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: Camp.

SPECIAL PERMIT 16025 – APPEAL OF CHARLES CLARK, WILLIAM WOOD, AND MYRNA WOOD FROM THE PLANNING COMMISSION’S CONDITIONAL APPROVAL OF A SPECIAL PERMIT FOR A NEW COMMUNITY UNIT PLAN COMPRISED OF 7 SINGLE-FAMILY UNITS, WITH WAIVERS TO SETBACKS, MINIMUM AREA AND WIDTH REQUIREMENTS, AND THE LOT WIDTH-TO-DEPTH RATIO, ON PROPERTY GENERALLY LOCATED AT 828 AND 848 D STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89961 WHEREAS, Neighborhoods, Inc. dba Neighborworks Lincoln has submitted an application designated as Special Permit No. 16025 for authority to develop a Community Unit Plan for up to 7 dwelling units with requested waivers of the Land Subdivision Ordinance to (1) waive the required lot width to depth ratio for lots intended to be occupied by two-family dwellings; (2) reduce the required front yard setback from 25 feet to 15 feet on D Street and E Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet to 18 feet, for both single-family and two-family dwellings; (3) reduce the required minimum lot area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or 3 feet as shown on the site plan, for single-family dwellings; and (4) reduce the required minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet to 3 feet when there is no party wall, for two-family dwellings, on property generally located at 828 D Street and 848 D Street, and legally described as:

Lot 10, Block 192, Lincoln Original & the South Half of adjacent vacated east-west alley, and Lots 1-2 & Lots 11-12, Block 192, Lincoln Original & adjacent vacated east-west alley, located in the Southeast Quarter of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on August 3, 2016 on said application and adopted Resolution No. PC-01509 conditionally approving the same; and

WHEREAS, Charles Clark, William Wood, and Myrna Wood have filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit No. 16025; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed from is deemed advisory and the City Council is authorized to take final action on the application for Special Permit No. 16025; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this special permit will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Neighborhoods, Inc. dba Neighborworks Lincoln, hereinafter referred to as “Permittee”, to develop a Community Unit Plan for up to 7 dwelling units and the requested waivers of the Land Subdivision Ordinance to reduce the required lot width to depth ratio for lots intended to be occupied by two-family dwellings; and requests waivers of Zoning Code to (1) reduce the required front yard setback from 25 feet to 15 feet on D Street and E Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet to 18 feet, for both single-family and two-family dwellings; (2) reduce the required minimum lot area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or 3 feet as shown on the site plan, for single-family dwellings; and (3) reduce the required minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet to 3 feet when there is no party wall, for

two-family dwellings, be and the same is hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. Before receiving approval of a final plat the Permittee shall:
 - a. Cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
 - i. Revise the sheet numbering to show "Sheet 1 of 1" for Sheet G1.1 as this will be the only sheet for the approved CUP.
 - ii. Revise the sheet title to read, "Cooper Commons Community Unit Plan, Special Permit #16025" and delete the "Submittal Documents" subtitle.
 - iii. Under the Proposed CUP table, correct "Font" to "Front".
 - iv. Remove the "Drawing Index".
 - v. Remove "(side)" from the front yard setback label along 9th Street.
 - vi. Revise Note A.3 to state "Building footprints are conceptual and may be located anywhere within the approved building envelopes."
 - vii. Revise Note B.2 to state "Accessory Buildings are permitted in the identified Commons area in Outlot A and must meet the minimum 5 foot front yard setback to 9th Street."
 - viii. Revise Note C.1 to state "A final plat will be required according to the proposed lot sizes."
 - ix. Revise Note C.2 to state "Proposed exterior home designs are subject to review and recommendation by the Historic Preservation Commission and must meet the Design Standards for Neighborhoods."
 - x. Remove the "Lot Total – 8" under the Proposed Lots table.
 - xi. Under the Proposed CUP table, change the proposed "3,714 average square feet" to "3,500 single family/ 2,400 two-family lots" to allow for minor variation.
 - b. Provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
 - c. Complete the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, or provide a guarantee (bond, escrow or security agreement) to guarantee completion which must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.
 - d. Enter into a Subdivision Agreement with the City wherein:
 - i. Permittee agrees to complete the planting of the street trees along D Street and E Street within this plat within six years following the approval of the final plat
 - ii. Permittee agrees to complete the planting of street trees along South 9th Street as shown on the final plat within two years following the approval of this final plat.
 - iii. Permittee agrees to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - iv. Permittee agrees to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - v. Permittee agrees to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - vi. Permittee agrees to comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - vii. Permittee agrees to complete the public and private improvements shown on the Community Unit Plan.
 - viii. Permittee agrees to keep taxes and special assessments on the outlots from becoming delinquent.
 - ix. Permittee agrees to maintain the outlots on a permanent and continuous basis.
 - x. Permittee agrees to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.
 - xi. Permittee agrees to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - xii. Permittee agrees to pay all design, engineering, labor, material, inspection, and other improvement costs.
2. Notwithstanding any provision to the contrary above, if any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city and, as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
3. Before occupying the dwelling units, all development and construction shall substantially comply with the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City.
5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING A MULTI-YEAR CONTRACT BETWEEN THE CITY OF LINCOLN AND NATIONAL BUS SALES AND LEASING, INC. FOR CNG TROLLEYS – STARTRAN, PURSUANT TO RFP NO. 16-121, FOR A FIVE YEAR TERM - CLERK read and ordinance, introduced by Jon Camp, that the multi-year contract between the City of Lincoln and National Bus sales and Leasing, Inc. for CNG trolleys - StarTran, pursuant to RFP No. 16-121, for a five year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

CHANGE OF ZONE 16021 – APPLICATION OF BENNY AND CONNIE DAHLBERG FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 3255 SOUTH 10TH STREET - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20371**, is recorded in Ordinance Book 31.

TEXT AMENDMENT 16007 – AMENDING SECTIONS 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.060, 27.06.090, AND 27.06.170; CHAPTER 27.28; SECTIONS 27.28.020, 27.60.060, 27.61.090, 27.62.030, 27.62.040, 27.63.430, 27.63.590, 27.65.020, 27.65.060, 27.65.075, 27.67.030, AND 27.67.040; FIGURES 27.67.020 AND 27.67.040; SECTIONS 27.69.035, 27.72.080, AND 27.72.190, ADDING A NEW SECTION 27.63.065, AND REPEALING SECTIONS 21.52.010, 27.63.430, AND 27.63.590 OF THE LINCOLN MUNICIPAL CODE, TO AMEND DEFINITIONS, PARKING REGULATIONS, HEIGHT AND LOT REGULATIONS, AND SPECIAL

PERMIT REGULATIONS FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING UNCLEAR TERMS AND CONCEPTS, STREAMLINING APPROVAL PROCESSES FOR CITY STAFF AND THE PUBLIC, AND ELIMINATING BURDENSOME REQUIREMENTS - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending Title 21 of the Lincoln Municipal Code relating to Housing by repealing Section 21.52.010 to eliminate an obsolete provision prohibiting housing in a frame or veneer building above the second story; amending Title 27 of the Lincoln Municipal Code ("Zoning Code") by amending Section 27.02.030 defining terms beginning with the letter B to remove the definition of Boarding House and to revise the definition of Buildings, Height of; by amending Section 27.02.040 defining terms beginning with the letter C to revise the definitions of Campsite and Clubs and to add a definition for Church; by amending Section 27.02.080 defining terms beginning with the letter G to revise the definitions of Garden Center, Grade and Greenhouses; by amending Section 27.02.090 defining terms beginning with the letter H to revise the definition of Health Care Facility, Residential; by amending Section 27.02.140 defining terms beginning with the letter M to revise the definition of Mini-warehouse; by amending Section 27.02.160 defining terms beginning with the letter O to revise the definitions of Outdoor Dining; by amending Section 27.02.170 defining terms beginning with the letter P to add definition of Place of Religious Assembly; by amending Section 27.02.220 defining terms beginning with the letter U to revise the definition of Urban Garden; by amending Section 27.06.060 to remove Greenhouses from the Agriculture Use Group; by amending Section 27.06.090 to delete Broadcast Stations as a special permitted use in the AG District and to re-designate Broadcast Stations as a permitted use rather than permitted special use in the H-4 District under the Utilities Use Group; by amending Section 27.06.170 to eliminate Temporary Storage of Construction Equipment and Materials as a common use type within the Heavy Commercial Services Use Group Table; by amending Chapter 27.28 to add an introductory statement at the beginning of the R-T District to state that the R-T zoning district is envisioned as a transition area consisting primarily of office and other types of small scale commercial uses in close proximity to residential use; by amending Section 27.28.020 to clarify that the R-T zoning district is a commercial district; by amending Section 27.60.060 to allow the Planning Director to approve an amendment to a Planned Unit Development District granting a height increase up to five feet for single-family or two-family dwellings; by amending Section 27.61.090 to automatically adjust the setback when the City obtains property for right-of-way and to automatically adjust the maximum building height for existing buildings built prior to the adoption of this ordinance to reflect their existing height under the new definition when the revised definitions of building, height of and grade cause the building to exceed the applicable district maximum height allowed; by amending Section 27.62.030 to remove Greenhouses as a conditional use type under the Agriculture Use Group and to modify the districts Urban Gardens are allowed in as a conditional use; by amending Section 27.62.040 to delete the note providing that if the dwellings do not qualify as a conditional use the dwelling use may be allowed by special permit; by adding a new section 27.63.065 to allow by special permit more than one platted lot or irregular tract under common ownership or under combined ownership of the Permittees under a special permit, separated by a street to be used as a single premises provided at least 50 percent of the street frontage of the platted lots or irregular tracts on each side of the street are directly opposite of each other; by repealing Sections 27.63.430 and 27.63.590 to eliminate Greenhouses and Temporary Storage of Construction Equipment and Material as special permitted uses; by amending Section 27.65.020 to clarify that in a Community Unit Plan the allowed dwelling unit bonuses shall not exceed a cumulative total of twenty percent; by amending Section 27.65.060 to allow the Planning Director to approve an amendment to increase the maximum building height of single and two-family dwellings in a Community Unit Plan up to 5 feet; by amending Section 27.65.075 to revise provisions for the Acreage Development Component in Community Unit Plans for Build Through Acreages and to adopt a preferred plan for the Acreage Development Component; by amending Section 27.67.030 to add under the general conditions for parking that no parking space is required for outside open use areas; by amending Section 27.67.040 to modify the special parking requirements for mini-warehouses, domestic shelters, restaurants in the B-1 and B-3 Districts, and joint parking in the B-5 District, to eliminate the special parking requirement for doctors' and dentists' offices and to add special parking requirements for guest parking associated with small width lots for two-family or attached single family dwellings under a CUP, PUD or Use Permit; by amending Figure 27.67.020 (Parking Matrix) to reduce the required parking ratios from 4.5 stalls/1,000 sq. ft. to 1 stall/300 sq. ft. for office, retail and commercial uses in a B-5 District and to clarify that parking for accessory buildings for retail sales is not required to be provided, when the accessory buildings are not fully enclosed; by amending Figure 27.67.040 to delete dentists' offices and doctors' offices and to add accessory buildings for retail and guest parking for single and two-family dwellings as uses with Special Parking Requirements; by amending Section 27.69.035 to provide that the only required setback for off premises signs from residential districts is 150 feet; by amending Section 27.72.080 to modify the existing exception to the Front Yard Requirements requiring a greater front yard setback in all zoning districts except the R-1, O-3, B-2, B-5, H-4, and I-3 districts where 40% or more of the frontage in the same zoning district is developed with two or more main buildings that have a greater frontage and setback than required and to adopt a new exception for the R-1 Zoning District; by amending Sections 27.06.020, 27.06.100, 27.51.060, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.67.040, 27.67.040, 27.69.090, 27.72.110, the introductory statement in Chapters 27.11, 27.13, 27.17, 27.19, 27.21, 27.23, 27.24, and Figure 27.67.040 to change references to Church to Place of Religious Assembly; by amending Section 27.72.190 to provided that the Planning Director may make minor modifications to the maximum height regulations; by amending Section 27.81.030 to delete language referring to illustrations as illustrations are no longer in the Zoning Code; and repealing Sections 21.52.010, 27.02.030, 27.02.040, 27.02.080, 27.02.090, 27.02.140, 27.02.160, 27.02.170, 27.02.220, 27.06.020, 27.06.060, 27.06.090, 27.06.100, 27.06.170, 27.28.020, 27.51.060,

27.60.060, 27.62.030, 27.62.040, 27.62.070, 27.62.110, 27.62.120, 27.62.150, 27.63.170, 27.63.220, 27.63.470, 27.63.610, 27.63.680, 27.63.685, 27.63.730, 27.65.020, 27.65.060, 27.65.075, 27.67.030, 27.67.040, 27.69.035, 27.69.090, 27.72.080, 27.72.110, 27.72.190, 27.81.030, Figure 27.67.020, and Figure 27.67.040 as hitherto existing, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20372**, is recorded in Ordinance Book 31.

TEXT AMENDMENT 16008 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTION 27.020.080 TO REVISE THE DEFINITION OF GARAGE, PRIVATE; BY AMENDING SECTION 27.72.120 TO PROVIDE A MAXIMUM HEIGHT OF 15 FEET FOR ACCESSORY BUILDINGS NOT PART OF A MAIN BUILDING WHICH EXTEND INTO THE REQUIRED SIDE YARD IN THE LISTED ZONING DISTRICTS, AND TO ESTABLISH THE MAXIMUM ALLOWABLE AREA FOR ACCESSORY BUILDINGS ON SINGLE-FAMILY OR 2-FAMILY LOTS OR TRACTS IN THE AG, AGR, AND R-1 TO R-8 ZONING DISTRICTS - CLERK read an ordinance, introduced by Jane Raybould, an ordinance amending Title 27 of the Lincoln Municipal Code ("Zoning Code") by amending Section 27.02.080 defining terms beginning with the letter G to revise the definition of Garage, Private; by amending Section 27.72.120 to provide a maximum height of 15 feet for accessory buildings not part of a main building which extend into the required side yard in the listed zoning districts, and to establish the maximum allowable area for accessory buildings on single family or two family lots or tracts in the AG, AGR, and R-1 to R-8 Zoning districts and repealing Sections 27.02.080 and 27.72.120 as hitherto existing, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20373**, is recorded in Ordinance Book 31.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND STEVEN L. CARPER AND GAYLE E. CARPER FOR THE LEASE OF PROPERTY GENERALLY LOCATED AT 139 NORTH 18TH STREET FOR A TWO YEAR TERM - PRIOR to reading:

RAYBOULD Moved to amend Bill No. 16-89 as follows:

Substitute the Lease Agreement attached hereto marked as Attachment "A" for the Lease Agreement attached to Bill No. 16-89 as Attachment "A".

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Jane Raybould, an ordinance accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Steven L. Carper and Gayle E. Carper for the lease of City owned property generally located at 139 North 18th Street for a two year term (9/1/2016-8/31/2018) with the option to renew for two addition two year terms, the third time.

RAYBOULD Moved to pass the ordinance as amended.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20374**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE VILLAGE OF ROCA TO ESTABLISH AND OPERATE A RECYCLING DROP-OFF SITE.

APPROVING A SOFTWARE MAINTENANCE AND SERVICES DELIVERY AGREEMENT BETWEEN THE CITY OF LINCOLN AND MARSHALL AND ASSOCIATES, INC. DBA MARSHALLGIS FOR LIGO GPS TRACKING EQUIPMENT AND SERVICE FOR A THREE YEAR TERM.

MISCELLANEOUS 16003 - ADOPTING THE CORRECTED FEE SCHEDULE FOR APPLICATION REVIEWS APPROVED BY CITY COUNCIL RESOLUTION NO. A-89916 ON AUGUST 8, 2016, TO REFLECT THE CORRECT FEE ADJUSTMENTS BY INCLUDING THE APPROVED TECHNOLOGY FEE, WHICH WAS OMITTED FROM SOME APPLICATION TYPES, WITH AN EFFECTIVE DATE OF OCTOBER 3, 2016.

PRE-EXISTING SPECIAL PERMIT NO. 28D – APPLICATION OF UNION COLLEGE AND NE COCF OF 7TH DAY ADVENTIST TO EXPAND THE BOUNDARY OF THE PRE-EXISTING SPECIAL PERMIT FOR UNION COLLEGE TO INCLUDE THE COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH AND AMEND THE SIGNAGE PLAN TO SHOW ADDITIONAL SIGNS ON THE SOUTHEAST CORNER OF SOUTH 48TH STREET AND PRESCOTT AVENUE.

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WAIVER NO. 16006 – APPLICATION OF TIN ROOF PARTNERS LLC TO WAIVE THE ADDITIONAL PARKING REQUIRED BY A CHANGE IN USE FROM RETAIL TO RESTAURANT, PURSUANT TO SECTION 27.67.030(F) OF THE LINCOLN MUNICIPAL CODE, ON PROPERTY GENERALLY LOCATED AT 4736 AND 4728 PRESCOTT AVENUE.

DEDICATING THE PUBLIC ARTWORK, “GROUNDWATER COLOSSUS”, LOCATED NORTHEAST OF 21ST AND P STREETS IN UNION PLAZA IN HONOR OF GLENN JOHNSON, RETIRING GENERAL MANAGER OF THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT.

APPROVING AN INTERAGENCY AGREEMENT BETWEEN THE STATE OF NEBRASKA DEPARTMENT OF MOTOR VEHICLES AND THE LINCOLN POLICE DEPARTMENT TO ALLOW LPD TO USE DMV RECORDS TO CARRY OUT ITS GOVERNMENTAL FUNCTIONS FOR A FIVE YEAR TERM WITH THE OPTION TO RENEW FOR TWO ADDITIONAL TWO YEAR TERMS.

APPOINTING CATHERINE RAUNCH, VERN SCHULTE, AND JOHN WYVILL TO THE AGING PARTNERS AREA WIDE ADVISORY COUNCIL FOR TERMS EXPIRING JUNE 30, 2019.

APPROVING A SCHEDULE OF FEES THE CITY MAY CHARGE DURING FY 2016/17 AND 2017/18 FOR AMBULANCE SERVICE.

APPROVING THE 2016-2017 CITY TAX RATE OF 0.33366 PER \$100.00 OF ASSESSED VALUATION.

OPEN MICROPHONE

Walt Broer, 2455 W Van Dorn Street, came forward and discussed numerous issues.

ADJOURNMENT

8:53 P.M.

CAMP Moved to adjourn the City Council Meeting of August 29, 2016.
 Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa J. Meier, City Clerk

Rhonda M. Bice, Office Specialist